

**§ 68.33 Privileges of a limited coastwise endorsement.**

(a) A vessel which is documented and issued a limited coastwise endorsement under this subpart may operate on the navigable waters of the United States or in the EEZ in coastwise trade only for the following purposes:

(1) To recover oil discharged into the water.

(2) To transport oil discharged into the water.

(3) To transport and deploy equipment, supplies, and personnel for recovering and transporting oil discharged into the water.

(4) To conduct training exercises to prepare for performing the functions in paragraphs (a)(1) through (a)(3) of this section.

(b) This limited coastwise endorsement also entitles the vessel to any other employment for which a registry, fishery, or Great Lakes license is not required.

(c) A vessel which is documented and issued a limited coastwise endorsement under this subpart may qualify to operate for other purposes by meeting the applicable requirements of part 67 of this chapter.

[CGD 90-055, 57 FR 7642, Mar. 3, 1992. Redesignated by USCG-2005-20258, 71 FR 61418, Oct. 18, 2006]

**§ 68.35 Application to document a vessel under this subpart.**

(a) To qualify to document a vessel or to accept the dedication of a vessel by a member or members under this subpart, a not-for-profit oil spill response cooperative shall file with the Director, National Vessel Documentation Center the certificate under oath as set forth in appendix A to this subpart.

(b) Upon the filing of the certificate under paragraph (a) of this section, the Director, National Vessel Documentation Center will furnish the not-for-profit oil spill response cooperative with a letter of qualification. The letter of qualification is valid for a period of three years from the date of its issuance, unless there is a change in membership or structure of the not-for-profit oil spill response cooperative or a change in the citizenship status of any of its members requiring a report

under § 68.37. In order to renew the letter of qualification, a new certificate under oath must be filed with the Commandant at least 30 days before the date of expiration of the letter of qualification.

(c) A not-for-profit oil spill response cooperative seeking to document a vessel for a limited coastwise endorsement under this subpart, in addition to complying with the requirements of § 68.31(a), shall supply to the National Vessel Documentation Center, a copy of the letter of qualification issued under paragraph (b) of this section.

(d) A member or members of a not-for-profit oil spill response cooperative seeking to document a vessel under this subpart shall supply to the National Vessel Documentation Center, a copy of the letter of qualification issued under paragraph (b) of this section to the not-for-profit oil spill response cooperative to which the vessel is dedicated. In addition, the not-for-profit oil spill response cooperative and the vessel owners shall all certify under oath that the vessel for which application is made is dedicated to use by the not-for-profit oil spill response cooperative. This certification must use the format and content described in appendix B to this subpart. If there is a change in the dedicated status of the vessel or its ownership, a report under § 68.37 must be filed.

[GCD 89-007; GCD 89-007a, 58 FR 60266, Nov. 15, 1993, 58 FR 65131, Dec. 13, 1993, as amended by CGD 95-014, 60 FR 31606, June 15, 1995; USCG-1999-6216, 64 FR 53225, Oct. 1, 1999. Redesignated and amended by USCG-2005-20258, 71 FR 61418, Oct. 18, 2006]

**§ 68.37 Cessation of qualifications.**

(a) If the vessel is owned by a not-for-profit oil spill response cooperative and a change occurs which affects the validity of the certificate required by § 68.35(a), or the ownership of the vessel changes so that it no longer meets the criteria of § 68.29, the qualification for the privileges enumerated in § 68.33 is terminated effective as of the date and time of the change. The not-for-profit oil spill response cooperative shall report the change in writing to the Director, National Vessel Documentation Center.

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(b) If the vessel is owned by a member or members of a not-for-profit oil spill response cooperative and a change occurs which affects the validity of the certificate required by §68.35(a), or the ownership of the vessel changes so that it no longer meets the criteria of §68.29, the qualification of the member or members for the privileges enumerated in §68.33 is terminated effective as of the date and time of the change. The member or members shall report the change in writing to the Director, National Vessel Documentation Center.

(c) When qualifications are terminated under this section, the certificate of documentation issued under this subpart must be surrendered or exchanged in accordance with part 67 of this chapter.

[GCD 89-007; GCD 89-007a, 58 FR 60266, Nov. 15, 1993, 58 FR 65131, Dec. 13, 1993, as amended by CGD 95-014, 60 FR 31606, June 15, 1995; USCG-1999-6216, 64 FR 53225, Oct. 1, 1999. Redesignated and amended by USCG-2005-20258, 71 FR 61418, Oct. 18, 2006]

**APPENDIX A TO SUBPART B OF PART 68—  
OATH FOR QUALIFICATION OF A NOT-  
FOR-PROFIT OIL SPILL RESPONSE  
COOPERATIVE**

*Department of Homeland Security, U.S. Coast  
Guard*

Oath for Qualification of a Not-For-Profit  
Oil Spill Response Cooperative [46 U.S.C.  
12106(d)]

Cooperative:

Name \_\_\_\_\_

Address \_\_\_\_\_

Jurisdiction where incorporated or orga-  
nized \_\_\_\_\_

Affiant:

Name \_\_\_\_\_

Address \_\_\_\_\_

Cooperative \_\_\_\_\_

Title or Capacity \_\_\_\_\_

I, the affiant, swear that I am legally authorized to make this oath and hold the capacity so bestowed upon me as \_\_\_\_\_, on behalf of the \_\_\_\_\_ cooperative and its members, that it is a not-for-profit cooperative, and that it is engaged in training for, carrying out, or supporting oil spill cleanup operations or related research activities.

That all members of the cooperative who may use the letter of qualification issued to this cooperative are truly and correctly

named, including home address and citizenship of each on the attached listing incorporated in and made a part of this oath.

Signature \_\_\_\_\_

Subscribed and sworn to before me on the  
day and year shown.

\_\_\_\_\_  
(Notary Public)

Date \_\_\_\_\_

[CGD 90-055, 57 FR 7642, Mar. 3, 1992, as amended by USCG-2003-14505, 68 FR 9535, Feb. 28, 2003. Redesignated by USCG-2005-20258, 71 FR 61418, Oct. 18, 2006]

**APPENDIX B TO SUBPART B OF PART 68—  
OATH FOR DOCUMENTATION OF VES-  
SELS FOR USE BY A NOT-FOR-PROFIT  
OIL SPILL RESPONSE COOPERATIVE**

*Department of Homeland Security, U.S. Coast  
Guard*

Oath for Documentation of Vessels For Use  
by a Not-For-Profit Oil Spill Response Co-  
operative [46 U.S.C. 12106(d)]

Cooperative:

Name \_\_\_\_\_

Address \_\_\_\_\_

Jurisdiction where incorporated or orga-  
nized \_\_\_\_\_

I, the undersigned officer of \_\_\_\_\_, a  
not-for-profit oil spill response cooperative,  
swear that I am legally authorized to make  
this oath on behalf of the cooperative, and  
its members and that the cooperative has ac-  
cepted the vessel \_\_\_\_\_.

I/we \_\_\_\_\_, am/are the owner(s) of the  
vessel. I/we further swear that the vessel has  
been dedicated to the exclusive use of the co-  
operative for the purpose of training for, car-  
rying out, or supporting oil spill cleanup op-  
erations or related research activities for  
discharges of oil into the navigable waters of  
the United States and the Exclusive Eco-  
nomic Zone and that the cooperative has ac-  
cepted the vessel.

For the Cooperative:

Name \_\_\_\_\_

Address \_\_\_\_\_

Cooperative \_\_\_\_\_

Title or Capacity \_\_\_\_\_

For Each Vessel Owner:

Name \_\_\_\_\_

Cooperative \_\_\_\_\_

Title or Capacity \_\_\_\_\_

Subscribed and sworn to before me on the  
day and year shown.

\_\_\_\_\_  
(Notary Public)

Date \_\_\_\_\_

[CGD 90-055, 57 FR 7642, Mar. 3, 1992, as amended by USCG-2003-14505, 68 FR 9535, Feb. 28, 2003. Redesignated by USCG-2005-20258, 71 FR 61418, Oct. 18, 2006]

**Subpart C—Vessels With a Coastwise Endorsement Issued on or After August 9, 2004, That Are Demised Chartered to Coastwise Qualified Citizens**

SOURCE: USCG-2005-20258, 71 FR 61419, Oct. 18, 2006, unless otherwise noted.

**§ 68.50 Purpose and applicability.**

(a) This subpart contains requirements, in addition to those in part 67 of this chapter, for obtaining a coastwise endorsement for a U.S.-built vessel—

(1) That is owned by a person that qualifies as a citizen under § 67.35(a), § 67.36(a), § 67.37, or § 67.39(a) of this chapter; and

(2) That is demise chartered to a coastwise qualified citizen under § 67.33, § 67.35(c), § 67.36(c), § 67.37, § 67.39(c), or § 67.41 of this chapter.

(b) This subpart applies to a vessel with a coastwise endorsement issued on or after August 9, 2004. It does not apply to a vessel under subpart D of this part.

**§ 68.55 Definitions.**

In addition to the terms defined in § 67.3 of this chapter, as used in this subpart—

*Affiliate* means, with respect to any person, any other person that is—

(1) Directly or indirectly controlled by, under common control with, or controlling that person; or

(2) Named as being part of the same consolidated group in any report or other document submitted to the United States Securities and Exchange Commission or the Internal Revenue Service.

*Cargo* does not include cargo to which title is held for non-commercial reasons and primarily for the purpose of evading the requirements of § 68.65(a)(2).

*Oil* has the meaning given that term in 46 U.S.C. 2101(20).

*Operation or management*, for vessels, means all activities related to the use

of vessels to provide services. These activities include, but are not limited to, ship agency; ship brokerage; activities performed by a vessel operator or demise charterer in exercising direction and control of a vessel, such as crewing, victualing, storing, and maintaining the vessel and ensuring its safe navigation; and activities associated with controlling the use and employment of the vessel under a time charter or other use agreement. It does not include activities directly associated with making financial investments in vessels or the receipt of earnings derived from these investments.

*Passive investment* means an investment in which neither the investor nor any affiliate of the investor is involved in, or has the power to be involved in, the formulation, determination, or direction of any activity or function concerning the use, operation, or management of the asset that is the subject of the investment.

*Qualified proprietary cargo* means—

(1) Oil, petroleum products, petrochemicals, or liquefied natural gas cargo that is beneficially owned by the person who submits to the Director, National Vessel Documentation Center, an application or annual certification under § 68.65(a)(2), or by an affiliate of that person, immediately before, during, or immediately after the cargo is carried in coastwise trade on a vessel owned by that person;

(2) Oil, petroleum products, petrochemicals, or liquefied natural gas cargo not beneficially owned by the person who submits to the Director, National Vessel Documentation Center, an application or an annual certification under § 68.65(a)(2), or by an affiliate of that person, but that is carried in coastwise trade by a vessel owned by that person and which is part of an arrangement in which vessels owned by that person and at least one other person are operated collectively as one fleet, to the extent that an equal amount of oil, petroleum products, petrochemicals, or liquefied natural gas cargo beneficially owned by that person, or an affiliate of that person, is carried in coastwise trade on one or more other vessels, not owned by that person, or an affiliate of that person, if